

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:16-cr-00086

JOHN BREWER

ORDER

This matter comes on for hearing on Defendant's Motion to Compel the Government to Identify in Its Production Brady and Rule 16(a)(1) Material (Doc. No. 28) and Defendant's Motion to Compel Disclosure of Existence and Substance of Promises of Immunity, Leniency or Preferential Treatment (Doc. No. 30). In response, the United States of America filed its Response of the United States to Defendant's Motions to Compel and Motion to Exclude Expert Witness¹ (Document No. 33). Blaire L. Malkin, AUSA and Larry R. Ellis, AUSA appeared on behalf of the United States. John D. Wooten, Esq. and R. Brandon Johnson, Esq. appeared on behalf of the Defendant.

The parties indicated that they have been in communication regarding the outstanding motions to compel and as a result of those communications, no action is requested of the Court in resolving the outstanding motions to compel at this time. Therefore, the Court will not act further upon the motions to compel (Doc. Nos. 28 & 30) unless the parties notify the Court that a ruling is necessary. If no such request is made prior to the start of trial, the Court will deem the motions to compel to have been mooted by the parties' cooperation.

Entered: July 13, 2016.



Omar J. Aboulhosn
United States Magistrate Judge

¹ The Defendant also filed Defendant's Motion to Exclude and Restrict the Government From Producing Any Expert Witness Testimony. (Doc. No. 32). The Government responded to this motion in Document No. 33. However, the undersigned, pursuant to the Order of Reference (Doc. No. 4) has not been assigned motions that have the effect of excluding or limiting witnesses. Therefore, the Defendant's motion seeking to exclude any expert witnesses called by the Government will be decided by the Honorable Irene Berger, United States District Judge.